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10 CFR Part 53: Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors

Comment On: NRC-2019-0062-0012

Preliminary Proposed Rule Language: Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors

Document: NRC-2019-0062-DRAFT-0152

Comment on FR Doc # 2020-24387

Submitter Information

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Organization: Hybrid Power Technologies LLC

General Comment

Attached are Hybrid Power Technologies LLC comments on proposed 10CFR53 - Subpart I, Maintaining and Revising Licensing Basis Information

Attachments

HYBPWR to NRC Sept 27 10CFR53

Michael F. Keller
President
Hybrid Power Technologies LLC



September 27, 2021
10CFR53 Subpart I “Maintaining and Revising Licensing Basis
Information”

hybridpwr.com

Mr. John Tappert
Director, Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Hybrid Power Technologies LLC Input on the NRC Rulemaking Plan on, Risk-Informed, Technology-Inclusive Regulatory Framework; Proposed 10CFR53.

Mr. Tappert:

Ref. (1) was presented as part of a September 15 external stakeholder’s public meeting on the proposed 10 CFR53. Attachment (1) provides comments.

In general, the NRC staff continues attempts to add unwarranted new complications and requirements that are well beyond those of existing CFR’s. Claims of “equivalency” are unconvincing as readily proved by simple comparisons between the cited and proposed CFR sections.

The NRC efforts likely exceeds an agency’s proper authority to alter CFR’s because simpler approaches are significantly more efficient and cost effective. As we have repeatedly observed, the correct approach is to simply cite existing CFR key requirements while including clarifications that embody crucial risk informed considerations.

We remain hopeful that a proper 10CFR53 will be the end result of the ongoing development efforts. However, we are convinced that NRC staff motives lie outside the confines of the **REF. (2)** law that serves as the basis for the proposed 10CFR53.

Regards,

Michael F Keller

Michael F. Keller Professional Engineer – State of Kansas
President
Hybrid Power Technologies LLC

References:

- (1) [ML20202A75](#) - SUBPART I (Maintaining and Revising Licensing Basis Information) – PRELIMINARY RULE LANGUAGE.
- (2) Nuclear Energy and Modernization Act, S512 enacted into law.

Attachments:

1. Hybrid Power Technology LLC, Comments on Proposed Subpart I, September, 2021

Attachment (1) to Hybrid Power LLC letter to NRC of Sept. 27, 2021
 10CFR53 Subpart I “Maintaining and Revising Licensing Basis Information”

§ 53.1300 Licensing Basis Information.	Delete as there is no such requirement in the existing CFR’s or simply refer to applicable element(s) of 10CFR50.20. Stop trying to fabricate complicated new unwarranted requirements
53.1310 Changes to Licensing Basis Information Requiring Prior NRC Approval	Simply refer to 10CFR50.90 (Changes). Stop trying to fabricate complicated and new unwarranted requirements
53.1311 Application for amendment of license.	Simply refer to 10CFR50.90. Stop trying to fabricate complicated and new unwarranted requirements, 10CFR50.90
§ 53.1312 Public notices; State consultation.	Simply refer to 10CFR50.91. Stop trying to fabricate new unwarranted requirements
53.1313 Issuance of amendment.	Simply refer to 10CFR50.59. Stop trying to fabricate complicated and new unwarranted requirements
§ 53.1317 Amendments during construction	Delete. There is no corresponding requirement in the existing CFR. Stop trying to fabricate complicated and new new unwarranted requirements.
§ 53.1320 Evaluating changes and updating licensing basis information without NRC prior approval.	Delete. There is no corresponding requirement in the existing CFR. Stop trying to fabricate complicated and new unwarranted requirements. Simply refer to 10CFR50.59.
53.1321 Updating final safety analysis reports.	Simply refer to 10CFR50.71. Stop trying to fabricate complicated and new unwarranted requirements.
§ 53.1322 Evaluating changes to facility as described in final safety analysis reports.	Vastly over prescriptive and is actually guidance. There is no equivalent requirement in the existing CFR. Simply refer to 10CFR50.59. Stop trying to fabricate complicated and new unwarranted requirements.
§ 53.1330 Control of licensing basis information in program descriptions.	Delete as there is no such requirement in the existing CFR’s. Stop trying to fabricate complicated and new requirements.
53.1332 Updating program documents included in licensing basis information	Delete as there is no such requirement in the existing CFR’s. Stop trying to fabricate complicated and new requirements.
§ 53.1340 Transfer of licenses or permits.	Simply refer to 50.80. Stop trying to fabricate complicated and new unwarranted requirements.
§ 53.1350 Termination of license.	Simply refer to 50.82. Stop trying to fabricate complicated and new unwarranted requirements.
§ 53.1360 Information requests	Simply refer to 50.54(f). Stop trying to fabricate complicated and new unwarranted requirements.
53.1370 Revocation, suspension, modification of licenses, permits, and approvals for cause.	Simply refer to 50.100. Stop trying to fabricate complicated and new unwarranted new requirements.
53.1380 Back fitting.	Simply refer to 50.109. Stop trying to fabricate complicated and new unwarranted requirements.
53.1390 Renewal (TBD)	Delete as there is no such requirement in the existing CFR’s. Stop trying to fabricate complicated and new unwarranted new requirements.